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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0481US (P10029)

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on January 25, 2006

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name

Nancy Meshkoff

Application Number

09/686,754

Filed

October 10, 2000

First Named Inventor

Jeffrey L. Huckins

Art Unit

2154

Examiner

Larry D. Donaghue

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,994

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34


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Telephone number

January 25, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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*Total of forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Jeffrey L. Huckins	§	Art Unit:	2154
		§		
Serial No.:	09/686,754	§		
		§	Examiner:	Larry D. Donaghue
Filed:	October 10, 2000	§		
		§		
Title:	Scheduling the Uploading of Information from a Client to a Server (As Amended)	§	Docket No.:	ITL.0481US (P10029)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF A PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Claim 1 calls for receiving on a client a message from a server addressed to the client. The Examiner apparently contends that the message is the SNMP request, as indicated by S1 in Figure 6, at an SNMP relay 20. Thus, the client apparently is read to be the item 10 in Figure 3. The server, then, is apparently read to be the management console 24 in Figure 3.

Claim 1 further calls for scheduling a data upload session based on said message. No upload session is ever scheduled and it is never scheduled based on the message. As explained in the material cited in the office action at column 6, lines 5-32, and, particularly, column 6, lines 22-25, the SNMP relay mechanism 20 waits for both responses and, on receipt of those responses, rebuilds a full SNMP response to the originally received network request. In other words, in response to the request that the office action contends comes from a server, the alleged client queries agents for information. Only when it receives both responses does the alleged client build a response.

Date of Deposit: January 25, 2006

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Nancy Meshkoff


Thus, it may be seen that there is never a scheduled upload session based on the message. Instead, the asserted upload session occurs when both responses from both agents are received. Then, and only then, is there what the office action apparently contends is an upload session. But, plainly, it is not a scheduled upload session and there is no schedule. It occurs at random whenever the responses from the agents 14 are received. Thus, under no reasonable definition of scheduling could this be described as scheduling a data upload session based on the message.

Therefore, reconsideration of the rejection of claim 1, its dependent claims, claim 11, its dependent claims, claim 20, and its dependent claims, is respectfully requested.

Claims 23-30 are the mirror image of claims 1-22 from the server side. For the reasons already described, reconsideration of the rejection of these claims is also requested.

Respectfully submitted,

Date: January 25, 2006



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